

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1797 of 2017

Arising Out of PS.Case No. -81 Year- 2017 Thana -MASAURHI District- PATNA

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1. Raj Kumar Bind, son of Nand Lal Bind,
2. Ramdhari @ Ramdhari Bind, son of Raj Kumar Bind, Both residents of
Village- Bandrachak, P.S.- Masaurhi, District- Patna.

.... Appellants

Versus

The State of Bihar.

.... Respondent

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Appearance :

For the Appellant/s : Mr. Lovekush Kumar, Advocate

For the Respondent/s : Smt Usha Kumari No-1, Special P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 04-07-2017 Heard learned counsel for the appellants and learned
Special P.P.

This appeal has been filed for setting aside the order
the order dated 19.4.2017 passed in A.B.P. No. 1619 of 2017 by
Special Judge, SC/ST Act, Patna, arising out of Special Case No.
223 of 2017/Masaurhi P.S.Case No. 81 of 2017 registered for the
offences under Sections 341, 323, 506/34 of the Indian Penal Code
and 3(i)(x) of Scheduled Castes and Scheduled Tribes (Prevention
of Atrocities) Act and for grant of pre-arrest bail to the appellants.

Allegation as per FIR against the appellants is that
they have abused the informant by taking his caste name.

It has been submitted on behalf of the appellants that
there is dispute with respect to a lane between the appellants and



the informant and just to make the case serious such allegation has been leveled against the appellants and there is delay of five days in lodging FIR and no specific allegation is attributed against the appellants.

Learned Special P.P. has submitted that in view of allegation, this appeal is not maintainable.

Having heard both sides and considering the facts and circumstances, let appellants surrender and make prayer for regular bail, which will be considered by the Special court below on the basis of the submission made above as well as on the basis of allegation and pass appropriate order, if possible, on the same day, without being prejudiced by this order.

This appeal is, accordingly, disposed of.

(Vinod Kumar Sinha, J)

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